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| 10/014,258 | 12/11/2001 | Nevenka Dimitrova | US010512 | 2763 |

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EXAMINER

CHANG, SHIRLEY

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/014,258 | Applicant(s) DIMITROVA ET AL. | |
| | Examiner Shirley Chang | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/11/01, 4/3/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 1-2, 4-5, 7-14, 15-16, 18-19, and 21-27 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Fuisz (20020128999).

As to claim 1, Fuisz discloses a method in a system, the method:

performing a transaction using a video device, the method comprising the steps of:

acquiring a video signal containing a video program (fig. 3, el. 12; [0027]);

extracting from said video signal video enhanced content information representative of at least one product presented on the video program (fig. 3, el. 14; [0027]);

presenting to the user the video enhanced content information (fig. 3, el. 16 [0028]);

receiving a selection of a product of interest (fig. 5, el. 25; [0030]);

performing a search to identify data related to the selected product ([0030]);

providing the identified data to a user of the video device ([0030-0031]).

As to claims 2 and 16, Fuisz discloses:

said video signal includes metadata (X and Y coordinates describing the position of objects in the video and stored visual outlines are metadata, or data that describes data, [0026-0027]).

As to claims 4 and 18, Fuisz discloses:

The processor is further capable of the step of filtering the video enhanced content information based on preferences customized by at least one user ([0051-0052]; fig. 2, el. 10; [0024]).

As to claims 5 and 19, Fuisz discloses:

said user's preferences include values and life style of the user (demographics [0049]).

As to claims 7 and 21, Fuisz discloses:

The processor is further capable of the step of prioritizing results of the search performed by the performing step based on predetermined factors (the user may specify which part of the show the lamp appeared [0051]; fig. 2, el. 10; [0024]).

As to claims 8 and 22, Fuisz discloses:

the predetermined factors is at least one of user preferences (user specifies which part of the sit-com he prefers the lamp of [0051]).

As to claims 9 and 23, Fuisz discloses:

The processor has a predetermined list for a particular category associated therewith, the processor accessing the predetermined list to perform the search for identified data (product database, may (limitations are met for the same reasons as discussed in claim 1) a list of all lamps on a show [0049-0051-0052]).

As to claims 10 and 24, Fuisz discloses:

the video signal is acquired from at least one video signal source selected from a group consisting of a broadcasting system, a content creator, a service provider, and a set-top box (television program [0027]).

As to claims 11 and 25, Fuisz discloses:

the video signal is separated into a plurality of frames, each frame from at least a portion of the plurality of frames being subdivided into selectable regions capable of being selected during the selecting step ([0054]; [0025]; [0059]).

As to claim 12, Fuisz discloses:

the step of receiving and analyzing transaction related information from the user (marketing data collected [0051-0052]).

As to claims 13 and 26, Fuisz discloses:

The processor is further capable of the step of periodically monitoring said content information and triggering an action based on user's requests or preferences ([0051-0052]; [0031]; fig. 2, el. 10; [0024]).

As to claims 14 and 27, Fuisz discloses:

the step of making a personalized catalog for the user ([0051-0052]; fig. 2, el. 10; [0024]).

As to claim 15, Fuisz discloses:

A system for performing a transaction using a video device, said system comprising: a set-top box (fig. 2; [0033]) for acquiring a video signal containing a video program, said set-top box including a memory, a processor (fig. 2, el. 10; [0024]) and input/output

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means associated therewith for transferring the signal (fig. 2, el. 2, 11; [0024]), the processor being capable of

extracting from said video signal video enhanced content information representative of at least one product presented on the video program; presenting to the user the video enhanced content information; receiving a selection of a product of interest; performing a search to identify data related to the selected product; and providing the identified data to the user (limitations are met for the same reasons as discussed in claim 1);

a video device operatively coupled with the set-top box for displaying the video program, video enhanced content information, and identified data to the user ([0024]);

an input device operatively associated with said set-top box for controlling said set-top box (fig. 2, el. 13; [0024]).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 3 and 17 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuisz (20020128999) in view of Reichardt (20030056219).

As to claims 3 and 17,

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Fuisz fails to specifically teach the step of purchasing the selected product.

In an analogous art, Reichardt discloses a system of television viewers to participate in shopping and the step of purchasing the selected product (fig. 11C, el. 1120; [0099]).

It would have been obvious to one of ordinary skill in the art to modify Fuisz's system to include the processor is further capable of the step of purchasing the selected product, as taught by Reichardt, for the benefit of allowing the user to act on interactive impulse purchase fulfillment.

3. Claim(s) 6, 20, 28, and 29 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuisz (20020128999) in view of Reichardt (20030056219), and in further view of Tomsen (20020104086).

As to claims 6 and 20,

Fuisz discloses the identified data includes a source of the product of interest (distributor, vendor [0049]; [0030]).

Fuisz fails to specifically teach the method further comprising the step of negotiating with the product source and outputting results of the negotiation.

In an analogous art, Reichardt discloses a system of television viewers to participate in shopping and the step of purchasing the selected product (fig. 11C, el. 1120; [0099]).

It would have been obvious to one of ordinary skill in the art to modify Fuisz's system to include the step of negotiating with the product source (coming to agreement

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with the source to purchase the product by selecting "YES!"; fig. 11C, el. 1120; [0099]), as taught by Reichardt, for the benefit of allowing the user to act on interactive impulse purchase fulfillment.

Fuisz in view of Reichardt fails to specifically teach the step of outputting results of the negotiation.

In an analogous art, Tomsen discloses a system of shopping transaction through via interactive television and of outputting results of the negotiation (mailing electronic receipts [0045]).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Fuisz and Reichardt to include the step of outputting results of the negotiation, as taught by Tomsen, for the benefit of allowing the user to have a purchase record of confirmation.

As to claim 28,

Fuisz discloses:

A method of performing a transaction using a video device, said method comprising the steps of: acquiring a video signal containing a video program; customizing preferences for at least one user; extracting from the video signal video enhanced content information representative of at least one product presented on the video program; presenting to the user the filtered video enhanced content information; receiving a selection of a product of interest (limitations are met for the same reasons as discussed in claim 1);

providing feedback information to the user ([0030-0031])
filtering the video enhanced content information based on the preferences (limitations are met for the same reasons as discussed in claim 4);
prioritizing the results of the search and the negotiations based on predetermined factors (limitations are met for the same reasons as discussed in claim 7);
performing a search to identify a source of the selected product through at least one predetermined list of information sources for a particular category (limitations are met for the same reasons as discussed in claim s 1 and 9);
receiving and analyzing satisfaction response from the user (the user may specify which part of the show the lamp appeared [0051]).

Fuisz fails to specifically teach negotiating with the identified product source regarding the selected product, allowing the user to authorize purchasing of the selected product, and completing a purchase transaction for the selected product, and the step of negotiating with the product source and outputting results of the negotiation.

In an analogous art, Reichardt discloses a system of television viewers to participate in shopping and the step of purchasing the selected product (fig. 11C, el. 1120; [0099]), and negotiating with the product source (coming to agreement with the source to purchase the product by selecting "YES!"; fig. 11C, el. 1120; [0099]).

It would have been obvious to one of ordinary skill in the art to modify Fuisz's system to include negotiating with the identified product source regarding the selected product, allowing the user to authorize purchasing of the selected product, and

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completing a purchase transaction for the selected product, and negotiating with the product source, as taught by Reichardt, for the benefit of allowing the user to act on interactive impulse purchase fulfillment.

Fuisz in view of Reichardt fails to specifically teach the step of outputting results of the negotiation.

In an analogous art, Tomsen discloses a system of shopping transaction through via interactive television.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Fuisz and Reichardt to include the step of outputting results of the negotiation (mailing electronic receipts [0045]), as taught by Tomsen, for the benefit of allowing the user to have a purchase record of confirmation.

As to claim 29, Fuisz discloses:
the step of storing said video signal in a storage device (video recorded [0025]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



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